



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,708	12/05/2003	Bruce Louis Lieberman	MSFT-2770/304195.01	4218
41505 7590 11/21/2007 WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION) CIRA CENTRE, 12TH FLOOR 2929 ARCH STREET PHILADELPHIA, PA 19104-2891			EXAMINER SMITH, JOSHUA Y	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 11/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/729,708	Applicant(s) LIEBERMAN, BRUCE LOUIS	
	Examiner Joshua Smith	Art Unit 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 11 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-33 are canceled by applicant.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 34, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellaton et al. (Patent No.: US 6,473,425 B1) in view of Woundy (Patent Number: 6,009,103), Rosier et al. (Pub. No.: US 2002/0015408 A1) and Tsang et al. (Patent No.: US 7,203,954 B1), hereafter referred to as Bellaton, Woundy, Rosier, and Tsang.

In regard to Claims 34, 38 and 39, Bellaton teaches in lines 60-61, column 1, and FIG. 4, Sheet 4 of 11, "A sequence of packets sent from one machine to another"

Art Unit: 2619

(see items P1, P2, and P3), where a sliding window W (see line 28, column 4, and item W, FIG.4, Sheet 4 of 11) determines that 3 packet packets are to be sent since its "a sliding window of size 3" (see line 27-28, column 4) (an electronic device receiving a first plurality of sequentially ordered data packets from a server).

Bellaton also teaches in lines 39-43, column 6, a queue controller is arranged to drop a new packet when it is determined that a new packet is a retransmission of a queued packet, and, in lines 42-56, column 9, the queue controller checks whether the queued TCP sequence number is the same as the new TCP sequence number and whether the queued TCP acknowledgement number is less than or equal to the new TCP acknowledgement number. If both of these tests are positive, then it is determined in step 136 that the new packet does indeed relate to a retransmission of an earlier packet. In this case, one of the packets is then dropped (an electronic device discarding a data packet having a sequence identifier that is previous to an expected sequence identifier). Bellaton fails to teach a discovery packet sent by an electronic device, an electronic device receiving, in response to a discovery packet, an offer packet from a server available to transmit data, an electronic device selecting an offer among multiple offer packets, an offer corresponding to a selected server, and sending a start packet to a selected server, an electronic device sending a stop packet to a selected server, an electronic device sending an acknowledgement packet to a server after receiving a portion of a first plurality of packets and the portion is greater than one and less than a total number of packets in a first plurality of packets, and broadcasting a discovery packet. Woundy teaches a discovery packet sent by an electronic device, an

electronic device receiving, in response to a discovery packet, an offer packet from a server available to transmit data, an electronic device selecting an offer among multiple offer packets, an offer corresponding to a selected server, sending a start packet to a selected server; and an electronic device sending a stop packet to a selected server, Rosier teaches an electronic device sending an acknowledgement packet to a server after receiving a portion of a first plurality of packets and the portion is greater than one and less than a total number of packets in a first plurality of packets, and Tsang teaches broadcasting a discovery packet.

Woundy teaches in lines 55-57, column 5, "when a user terminal wants to find a candidate DHCP server, the user terminal sends out a Discover message" (a discovery packet sent by an electronic device).

Woundy also teaches in lines 57-58, column 5, a "DHCP server is programmed to respond to a Discover message", and, in lines 24-25, column 6, "a DHCP Offer message is sent to the user terminal" (an electronic device receiving, in response to a discovery packet, an offer packet from a server available to transmit data, and an offer packet unicast).

Woundy also teaches in lines 64-65, column 5, "a user sends a Request message to select a particular Offer" (an electronic device selecting an offer among multiple offer packets, an offer corresponding to a selected server, sending a start packet to a selected server, start packet is unicast).

Woundy also teaches in lines 61-62, column 8, "a user can also send a Release message to terminate an IP address reservation prematurely" (an electronic device

sending a stop packet to a selected server). It would have been obvious to one skilled in the art at the time of the invention to combine the mechanism of Bellaton with the method of Woundy since the mechanism of Bellaton may operate in a network involving a DHCP server and a common network database formed from a LDAP directory and the method of Woundy makes resource allocation more efficient in such a system, and the use of different types of packets, such as discover, offer, and release packets of Woundy, causes the operation of the mechanism of Bellaton organized and efficient.

In the same field of endeavor, Rosier teaches in paragraph [0160], and in FIG. 7, Sheet 4 of 4, a receiver (item 2), during a stage denoted 76, an acknowledgment message ACK_PDU(3), so as to indicate to a transmitter (item 1) that all packets with identifier lower than or equal to 2 have been correctly received, and, in paragraph [0131], and in FIG. 5a, Sheet 3 of 4, more packets after the one with identifier No. 2 are to be transmitted (an electronic device sending an acknowledgement packet to a server after receiving a portion of a first plurality of packets and the portion is greater than one and less than a total number of packets in a first plurality of packets). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Rosier with the invention of Bellaton since Rosier provides a method where an acknowledgement packet can be sent by a receiver after more than one packet has been received rather than after every packet, allowing the method of Bellaton to produce less acknowledgement packets per transmission and reducing congestion it may produce.

In the same field of endeavor, Tsang teaches in column 2, lines 12-16, a main circuit board broadcasts a Discovery Packet (broadcasting a discovery packet). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Tsang with the invention of Bellaton since Tsang teaches a method where a discovery packet is broadcasted, which can allow the method of Bellaton to include a technique where a discovery packet is transmitted to as many nodes as possible to aid in quickly discovering a large number of nodes that are reachable using the method of Bellaton.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellaton in view of Woundy, Rosier, Tsang, and further in view of Grob et al. (Patent No.: US 6,850,769 B2), hereafter referred to as Grob.

In regard to Claim 35, as discussed in the rejection of Claim 34, Bellaton teaches a sending electronic device. Bellaton fails to teach sending a negative acknowledgement packet to a selected server upon receipt of at least one data packet having a sequence identifier that is subsequent to an expected sequence identifier. As discussed in the rejection of Claim 34, Woundy teaches a selected server. Grob teaches sending a negative acknowledgement packet upon receipt of at least one data packet having a sequence identifier that is subsequent to an expected sequence identifier.

In the same field of endeavor, Grob teaches in column 6, lines 37-42 and 48-56, FIG. 6, Sheet 6 of 8, an RLP packet identified as RLP packet "03" does not get to the

Art Unit: 2619

destination, and after the destination receives RLP packet "04", the RLP layer detects an out of sequence reception of the RLP packets, and sends a NAK message identifying RLP packet "03" as missing in the communication (sending a negative acknowledgment packet upon receipt of a data packet having a sequence identifier that is subsequent to an expected identifier). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Grob with the invention of Bellaton since Grob provides a method where a receiver can inform a transmitter specifically which packet was not received, allowing the method of Bellaton to recover from packets lost in transmission.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellaton in view of Woundy, Rosier, Tsang, and further in view of Cheng et al. (Patent No.: US 7,050,397 B2), hereafter referred to as Cheng.

In regard to Claim 36, as discussed in the rejection of Claim 34, Bellaton teaches a sending electronic device. Bellaton fails to teach sending a negative acknowledgment packet to a selected server upon a delay greater than a predetermined time interval in receiving a packet having a next expected sequence identifier. As discussed in the rejection of Claim 34, Woundy teaches a selected server. Cheng teaches sending a negative acknowledgment packet upon a delay greater than a predetermined time interval in receiving a packet having a next expected sequence identifier.

In the same field of endeavor, Cheng teaches in column 5, lines 15-30, and in column 8, line 63 to column 9, line 1, if a segmented portion of the data is not detected in a time period within which a resequencing buffer timer times-out, an NAK indication is returned to the sending station to indicate the failed delivery of the segmented portion of the data, and, in column 12, lines 64-67, and in FIG. 6, Sheet 5 of 5, frames contain sequence numbers (sending a negative acknowledgment packet upon a delay greater than a predetermined time interval in receiving a packet having a next expected sequence identifier). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Cheng with the invention of Bellaton since Cheng provides a method where a receiver can inform a transmitter specifically which packet was not received if a specific length of time is exceeded, allowing the method of Bellaton to recover from packets lost in transmission in a required length of time so that a quality of service can be reached.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellaton in view of Woundy, Rosier, Tsang, and further in view of Reaves (Patent Number: 5,909,430), hereafter referred to as Reaves.

In regard to Claim 37, as discussed in the rejection of Claim 34, Bellaton teaches an electronic device. Bellaton fails to teach that data comprises an operating system for an electronic device and further comprises loading operating system by an electronic device. Reaves teaches these limitations.

In the same field of endeavor, Reaves teaches in column 6, line 60 to column 7, line 9, and in FIG. 3, Sheet 1 of 6, a node (item 12) requests operating system software from address server (item 16), where address server (item 16) downloads operating system software for node item 12 to receive and return to a fully active state (data comprises an operating system for an electronic device and further comprises loading operating system by an electronic device). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Reaves with the invention of Bellaton since Reaves teaches that a communication node can download necessary software for operation from a server, and is not required to contain the hardware for permanent memory storage of all possible software, allowing a reduced cost in nodes in which the method of Bellaton may be implemented in.

Claims 40, 42, 45, 46, 48 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellaton in view of Woundy, Rosier, Grob, and Brownlie (Patent Number: 5,136,576), hereafter referred to as Brownlie.

In regard to Claims 40, 45, 46 and 51, Bellaton teaches in lines 60-61, column 1, and FIG. 4, Sheet 4 of 11, "A sequence of packets sent from one machine to another" (see items P1, P2, and P3), where a sliding window W (see line 28, column 4, and item W, FIG.4, Sheet 4 of 11) determines that 3 packet packets are to be sent since its "a sliding window of size 3" (see line 27-28, column 4) (a server sending a first plurality of sequentially ordered data packets to an electronic device).

Bellaton also teaches in lines 12-14, column 4, and FIG. 4, Sheet 4 of 11, "On receipt of the acknowledgement for packet 1, packet 4 is then sent" since the sliding window has now slid beyond the acknowledged item packet P1 and now item packet P4 is within the 3-packet transmission window length (see FIG. 4, Sheet 4 of 11) (a server sending to an electronic device an additional number of sequentially ordered data packets, up to a determined sequence number, wherein a determined sequence number is determined by adding a number of data packets in a first plurality to a sequence number of the latest acknowledged data packet acknowledged by an electronic device).

Bellaton also teaches in lines 10-11, column 7, "a software dispatch mechanism on a storage medium" (a computer readable storage medium bearing instructions).

Bellaton fails to teach a server receiving a discovery packet from an electronic device, a server sending to an electronic device, in response to a discovery packet, a unicasted offer packet indicating a server is available to transmit data, server receiving a start packet from an electronic device, a server receiving a stop packet from an electronic device, a server receiving an acknowledgement packet from an electronic device which acknowledged receipt of a portion of a first plurality of packets, where the portion is greater than one and less than a total number of packets in the first plurality, a server receives a negative acknowledgment packet from an electronic device, and a negative acknowledgment includes a sequence number of a next expected packet, and a server sending to an electronic device a subsequent plurality of sequentially ordered data packets, where a first packet is a next expected data packet. Woundy teaches a

Art Unit: 2619

server receiving a discovery packet from an electronic device, a server sending to an electronic device, in response to a discovery packet, a unicasted offer packet indicating a server is available to transmit data, server receiving a start packet from an electronic device, a server receiving a stop packet from an electronic device, Rosier teaches a server receiving an acknowledgement packet from an electronic device which acknowledged receipt of a portion of a first plurality of packets, where the portion is greater than one and less than a total number of packets in the first plurality, Grob teaches a server receives a negative acknowledgment packet from an electronic device, and a negative acknowledgment includes a sequence number of a next expected packet, and Borwnlie teaches a server sending to an electronic device a subsequent plurality of sequentially ordered data packets, where a first packet is a next excepted data packet.

In the same field of endeavor, Woundy teaches in lines 55-57, column 5, "when a user terminal wants to find a candidate DHCP server, the user terminal sends out a Discover message" (a server receiving a discovery packet from an electronic device).

Woundy also teaches in lines 57-58, column 5, a "DHCP server is programmed to respond to a Discover message", and, in lines 24-25, column 6, "a DHCP Offer message is sent to the user terminal" (a server sending to an electronic device, in response to a discovery packet, an offer packet indicating a server is available to transmit data, and offer packet is unicasted).

Woundy also teaches in lines 64-65, column 5, "a user sends a Request message to select a particular Offer" (server receiving a start packet from an electronic device).

Woundy also teaches in lines 61-62, column 8, "a user can also send a Release message to terminate an IP address reservation prematurely" (a server receiving a stop packet from an electronic device). It would have been obvious to one skilled in the art at the time of the invention to combine the mechanism of Bellaton with the method of Woundy since the mechanism of Bellaton may operate in a network involving a DHCP server and a common network database formed from a LDAP directory and the method of Woundy makes resource allocation more efficient in such a system, and the use of different types of packets, such as discover, offer, and release packets of Woundy, causes the operation of the mechanism of Bellaton organized and efficient.

In the same field of endeavor, Rosier teaches in paragraph [0160], and in FIG. 7, Sheet 4 of 4, a receiver (item 2), during a stage denoted 76, an acknowledgment message ACK_PDU(3), so as to indicate to a transmitter (item 1) that all packets with identifier lower than or equal to 2 have been correctly received, and, in paragraph [0131], and in FIG. 5a, Sheet 3 of 4, more packets after the one with identifier No. 2 are to be transmitted (a server receiving an acknowledgement packet from an electronic device which acknowledged receipt of a portion of a first plurality of packets, where the portion is greater than one and less than a total number of packets in the first plurality). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Rosier with the invention of Bellaton since Rosier provides a

method where an acknowledgement packet can be sent by a receiver after more than one packet has been received rather than after every packet, allowing the method of Bellaton to produce less acknowledgement packets per transmission and reducing congestion it may produce.

In the same field of endeavor, Grob teaches in column 6, lines 37-42 and 48-56, FIG. 6, Sheet 6 of 8, an RLP packet identified as RLP packet "03" does not get to the destination, and after the destination receives RLP packet "04", the RLP layer detects an out of sequence reception of the RLP packets, and sends a NAK message identifying RLP packet "03" as missing in the communication, and the source then transmits the RLP packet "03" (a server receives a negative acknowledgment packet from an electronic device, and a negative acknowledgment includes a sequence number of a next expected packet). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Grob with the invention of Bellaton since Grob provides a method where a receiver can inform a transmitter specifically which packet was not received, allowing the method of Bellaton to recover from packets lost in transmission.

In the same field of endeavor, Brownlie teaches in column 3, lines 20-30, a form of GO-BACK-N ARQ protocol, where if an Mth frame is received with errors, then the GO-BACK-N ARQ protocol requires a transmitting station should re-transmit frame M followed by all frames following frame M, whether or not these frames have been transmitted prior to the re-transmission of frame M (a server sending to an electronic device a subsequent plurality of sequentially ordered data packets, where a first packet

Art Unit: 2619

is a next expected data packet). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Borwnlie with the invention of Bellaton since Borwnlie provides a method where packets detected with errors can be recovered by re-transmission through a go-back-n ARQ protocol, which is less complex than selective-repeat ARQ and provides packet recovery that is easily implemented and incorporated into the method of Bellaton.

In regard to Claims 42 and 48, as discussed in the rejection of Claim 34, Bellaton teaches a sending electronic device, and a computer readable storage medium bearing instructions. Bellaton fails to teach a negative acknowledgement packet is generated upon receipt of a data packet having a sequence identifier that is subsequent to an expected sequence identifier. Grob teaches these limitations.

In the same field of endeavor, Grob teaches in column 6, lines 37-42 and 48-56, FIG. 6, Sheet 6 of 8, an RLP packet identified as RLP packet "03" does not get to the destination, and after the destination receives RLP packet "04", the RLP layer detects an out of sequence reception of the RLP packets, and sends a NAK message identifying RLP packet "03" as missing in the communication (a negative acknowledgement packet is generated upon receipt of a data packet having a sequence identifier that is subsequent to an expected sequence identifier). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Grob with the invention of Bellaton since Grob provides a method where a

Art Unit: 2619

receiver can inform a transmitter specifically which packet was not received, allowing the method of Bellaton to recover from packets lost in transmission.

Claims 41, 44, 47 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellaton in view of Woundy, Rosier, Grob, Brownlie, and further in view of Reaves.

In regard to Claims 41, 44, 47 and 50, as discussed in the rejection of Claim 40, Bellaton teaches a server, an electronic device, and a computer readable storage medium bearing instructions. Bellaton fails to teach determining whether a server is available to provide data, and data comprises an operating system. Reaves teaches these limitations.

In the same field of endeavor, Reaves teaches in column 6, line 60 to column 7, line 9, and in FIG. 3, Sheet 1 of 6, a node (item 12) requests operating system software from address server (item 16), where address server (item 16) downloads operating system software for node item 12 to receive and return to a fully active state (determining whether a server is available to provide data, and data comprises an operating system). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Reaves with the invention of Bellaton since Reaves teaches that a communication node can download necessary software for operation from a server, and is not required to contain the hardware for permanent memory storage of all possible software, allowing a reduced cost in nodes in which the method of Bellaton may be implemented in.

Claims 43 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellaton in view of Woundy, Rosier, Grob, Brownlie, and further in view of Cheng.

In regard to Claims 43 and 49, as discussed in the rejection of Claim 40, Bellaton teaches a sending electronic device, and a computer readable storage medium bearing instructions. Bellaton fails to teach a negative acknowledgement packet is generated upon a delay greater than a predetermined time interval in receiving a data packet having a next expected sequence identifier. Cheng teaches these limitations.

In the same field of endeavor, Cheng teaches in column 5, lines 15-30, and in column 8, line 63 to column 9, line 1, if a segmented portion of the data is not detected in a time period within which a resequencing buffer timer times-out, an NAK indication is returned to the sending station to indicate the failed delivery of the segmented portion of the data, and, in column 12, lines 64-67, and in FIG. 6, Sheet 5 of 5, frames contain sequence numbers (a negative acknowledgement packet is generated upon a delay greater than a predetermined time interval in receiving a data packet having a next expected sequence identifier). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Cheng with the invention of Bellaton since Cheng provides a method where a receiver can inform a transmitter specifically which packet was not received if a specific length of time is exceeded, allowing the method of Bellaton to recover from packets lost in transmission in a required length of time so that a quality of service can be reached.

Response to Arguments

I. Arguments for rejections made under *35 USC § 101*.

Applicant's arguments, see page 8 of 9, filed 9/11/2007, with respect to Claims 8, 9, 11-20 and 31-33 have been fully considered and are persuasive. The rejections under 35 U.S.C. 101 of Claims 8, 9, 11-20 and 31-33 have been withdrawn.

II. Arguments for rejections made under *35 USC § 102 and 35 USC § 103*.

Applicant's arguments with respect to Claims 34-51 have been considered but are moot in view of the new ground(s) of rejection. Please refer to the rejections of Claims 34-51 above.

Applicant argues that new Claims 34-51 entered by applicant contain subject matter novel and non-obvious over the references of record, at least because they contain subject matter directed to novel error correction procedures not disclosed in the references. However, after further consideration and search, examiner applied references of the previous office action and references found in a new search for rejections of new Claims 34-51 under 35 USC § 103, as discussed above in the rejections of Claims 34-51.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Smith whose telephone number is 571-270-1826. The examiner can normally be reached on Monday through Friday, 9:30 AM to 7:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2619

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua Smith
11/14/2007



HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600